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New York

SUMMARY RECORD OF THE 65th MEETING

Chairman: Mr. SRIVIHOK (Thailand)
(Vice-Chairman)

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In the absence of Mr. Cissé (Senegal), Mr. Srivihok (Thailand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/49/L.77)

Draft resolution A/C.3/49/L.77: Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

1. Mr. FERNANDEZ PALACIOS (Cuba), speaking on behalf of the sponsors, introduced the draft resolution and read out the main provisions of paragraphs 1 and 3. Given the importance of the draft resolution for the work of the Third Committee, the sponsors hoped that it would be adopted by consensus.

AGENDA ITEM 96: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/49/L.75, L.78 and L.79)

Draft resolution A/C.3/49/L.75: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

2. Mr. TOURE (Guinea), introducing the draft resolution on behalf of the States Members of the United Nations who were members of the Group of African States, said that the text was the result of lengthy consultations. He drew attention to the main points of the preambular and operative parts and especially to paragraph 5, which was the only new element vis-à-vis the resolution adopted on the same issue in 1993. The sponsors urged delegations which had abstained or voted against the draft resolution at the forty-eighth session to vote for it at the current session, while bearing in mind the report of the Secretary-General (A/49/512).

Draft resolution A/C.3/49/L.79: Strengthening the United Nations crime prevention and criminal justice programme, particularly its technical cooperation capacity

3. Mr. THEUERMANN (Austria) introduced the draft resolution on behalf of the sponsors and said that Egypt, the Russian Federation and Tunisia had joined the sponsors. The text was the result of consultations which had been difficult to organize because the debate on crime prevention seemed to have been overshadowed by other important matters. The sponsors had built on the provisions of previous resolutions adopted on that topic by the General Assembly and the Economic and Social Council and had also taken account of the report of the Secretary-General on the progress made in the implementation of the pertinent General Assembly resolutions. With the adoption of resolution 46/152, the General Assembly had approved the creation of a comprehensive United Nations crime prevention and criminal justice programme and had requested the Secretary-General to give a high level of priority to that programme within existing resources. Since then, the General Assembly and the Economic and Social Council had called repeatedly for the strengthening of the programme. That was the purpose of the draft resolution before the Committee, the adoption of which

would underline the political will of Member States to enhance international cooperation for more effective action in that field.

Draft resolution A/C.3/49/L.78: Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

4. Mr. ELDEEB (Egypt), introducing the draft resolution, said that a number of delegations had joined the sponsors. The full list of sponsors comprised: Afghanistan, Albania, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Chile, China, Costa Rica, Croatia, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, France, Gabon, Gambia, Ghana, Guinea-Bissau, Honduras, India, Iran (Islamic Republic of), Italy, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Marshall Islands, Morocco, Mauritania, Nigeria, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Singapore, Slovenia, Sudan, Tunisia, Turkey, United Arab Emirates and Yemen. Egypt was willing to cocperate with all United Nations organs for the prevention of crime and the treatment of offenders and had responded diligently to the requests addressed to it during the past week by various United Nations bodies asking it to host the Congress. The Egyptian authorities had informed the Secretariat that the Congress could be held at Cairo and that they were at its disposal to organize preparations for the Congress. In view of those developments, the dates given in paragraph 5 of the draft resolution would have to be changed. Although consultations with the Secretariat to finalize the dates for the Congress were continuing, at the present time it was possible to say that the Congress and the pre-Congress consultations would take place between 29 April and 10 May 1995. His delegation hoped that the current consultations would make it possible to keep to the dates indicated. The convening of the Ninth Congress marked a turning point in action by the international community for the prevention of crime and the treatment of offenders and the sponsors hoped that the draft resolution would be adopted unanimously.

5. The CHAIRMAN drew the Committee's attention to the draft resolution entitled "Naples Political Declaration and Global Action Plan against Organized Transnational Crime" which the World Ministerial Conference on Organized Transnational Crime had recommended to the General Assembly for adoption. The draft resolution was contained in chapter 1, section A, of the report on the Conference issued as document A/49/748. The Committee would take action on that draft resolution at the same time as the draft resolutions under agenda item 96.

AGENDA ITEM 97: ADVANCEMENT OF WOMEN (continued) (A/C.3/49/L.65, L.67, L.70, L.71 and L.72)

6. Ms. NEWELL (Secretary of the Committee) said that an informal version of the extensive revisions made by the Philippine delegation to draft resolution A/C.3/49/L.71 was being circulated to members of the Committee. The official text would be issued the following morning in all languages under the symbol A/C.3/49/L.71/Rev.1. She hoped that delegations would have enough time to reflect on that text before the Committee took action.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/49/L.38 and L.47)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/49/L.44, L.45, L.46, L.48, L.52, L.53, L.58 and L.62)

Draft resolution A/C.3/49/L.62: Situation of human rights in Rwanda

7. Ms. BUCK (Canada), introducing the draft resolution on behalf of Benin and the other sponsors, announced that Albania had also become a sponsor. The draft resolution had two aims. First, to draw attention to the horrifying genocide which had taken place in Rwanda during the conflict and to reaffirm that individuals who had committed or authorized genocide or other grave violations of human rights would be held responsible for their crimes. Second, to stress the need for the international community to support all efforts to consolidate peace and ensure full respect for human rights and fundamental freedoms in post-conflict Rwanda. The efforts of the Special Rapporteur and the High Commissioner for Human Rights to deploy human rights monitors and deliver technical assistance programmes and advisory services to Rwanda, particularly in the field of the administration of justice, should be fully supported. The draft resolution also called on the international community to encourage and support the efforts of Rwanda to rebuild its human rights infrastructure and to create a climate conducive to full respect for human rights and fundamental freedoms. Lastly, the draft resolution drew attention to the plight of refugees in the region and to instances of violence which prevented their voluntary repatriation.

8. Paragraph 4 should be amended slightly. In the first line, after "commit", the words "or who incite" should be added. In the second line, "human rights or" should be deleted and the phrase "or those who are responsible for grave violations of human rights" should be added after "humanitarian law".

9. She urged the Committee to adopt the draft resolution by consensus.

Draft resolution A/C.3/49/L.38: Right to development

10. The CHAIRMAN said that the Committee would take action on the draft resolution at its morning meeting on Wednesday, 14 December 1994.

Draft resolution A/C.3/49/L.47: Development of public information activities in the field of human rights

11. Ms. NEWELL (Secretary of the Committee) noted that the French version of the draft resolution had no title, but that the omission would be rectified in the Committee's report to the General Assembly. Armenia had become a sponsor.

12. In the fifth line of paragraph 8, the words "under human rights instruments" should be added after "States parties". In the seventh line of

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paragraph 11, the words "under human rights instruments" should be added after "as well as reports". Paragraph 17 should be deleted and the final paragraph renumbered accordingly.

13. Ms. TOMKINSON (Australia) drew attention to further changes in the draft resolution. Paragraph 7 should read: "Takes note of the database established by the Centre for the promotion of all aspects of human rights;". In paragraph 8, the fourth and fifth lines should read "... reports communicated by States parties under human rights instruments ...", and in paragraph 11, the eighth line should read "... reports communicated under human rights instruments ...". In both paragraphs the words "to human rights treaty bodies" should be deleted.

14. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution as orally revised.

15. It was so decided.

16. Draft resolution A/C.3/49/L.47, as orally revised, was adopted.

Draft resolution A/C.3/49/L.44: Situation of human rights in the Sudan

17. The CHAIRMAN informed the Committee that the draft resolution had no programme budget implications. He invited the Secretary to read out the revisions made to the text by the United States representative when it had been introduced at the 59th meeting.

18. Ms. NEWELL (Secretary of the Committee) said that the seventeenth preambular paragraph should read: "Deeply concerned at the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice, as contained in the report of the Special Rapporteur,".

19. Mr. YOUSIF (Sudan) said that the draft resolution was political and contradictory and that his delegation had requested a recorded vote for the reasons already given in its statement to the Committee on 22 November 1994. He refuted as unjustified, false and unsubstantiated the allegations of "forced labour", "slavery" or "racial discrimination". Moreover, a new element could be detected in the sponsors' intentions. In the seventeenth preambular paragraph, the phrase "by all parties" implied that the Sudanese Government was partly responsible for the problem of the recruitment of unaccompanied minors. That was a gross distortion of the facts and showed a lack of objectivity on the part of the sponsors, whose intention was to damage the Sudanese Government. He referred members of the Committee to paragraph 21 of document A/C.3/49/22. Some days earlier, his delegation had proposed a draft resolution on the problem of unaccompanied minors, in an attempt to solve the problem of Sudanese children being recruited by the rebels in southern Sudan for military operations and also to reunite children being held in refugee camps with their families in the Sudan. There was some confusion among the sponsors, which, unfortunately, had been cynically exploited for political ends. He hoped that delegations would vote against the draft resolution and thus take a stand against the politicization of human rights problems and mechanisms.

20. Mr. STREJCZEK (Poland) said that Poland wished to withdraw its sponsorship of the draft resolution.

21. Mr. OTUYELU (Nigeria), speaking in explanation of vote before the vote, said that his delegation would abstain in the vote on the draft resolution. That position was based on the principles of neutrality and objectivity and on the need to encourage a new understanding and a committed partnership in the promotion of human rights and the rule of law world wide. There was no doubt that the promotion and advancement of human rights were prerequisites for social stability, national and regional cohesion, sustainable development, democracy and international peace and security. His delegation therefore advocated productive consultations and intensified cooperation aimed objectively at the promotion of human rights, without the politicization of issues. He stressed the need for objective reporting of situations in Member States, rather than the adoption of resolutions which might undermine progress in human rights in Member States.

22. At the request of the representative of the Sudan, a recorded vote was taken on draft resolution A/C.3/49/L.44.

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Pakistan, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Malaysia,

Maldives, Mali, Marshall Islands, Mauritania, Morocco, Mozambique, Niger, Nigeria, Oman, Panama, Papua New Guinea, Philippines, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates.

23. Draft resolution A/C.3/49/L.44 was adopted by 93 votes to 13, with 47 abstentions.

Draft resolution A/C.3/49/L.45: Situation of human rights in Cambodia

24. The CHAIRMAN said that the draft resolution did not have programme budget implications.

25. Ms. NEWELL (Secretary of the Committee), reading out the revisions which had been made to the text when it had been introduced at the 59th meeting, said that in the second line of paragraph 7, the words "existing resources" should be replaced by the words "the regular budget of the United Nations". In paragraph 19, the words "Requests the Secretary-General to continue to use the" should be replaced by the words "Notes with appreciation the use by the Secretary-General of the United Nations of".

26. The CHAIRMAN said that since he heard no objection, he took it that the Committee wished to adopt draft resolution A/C.3/49/L.45 without a vote.

27. It was so decided.

28. Draft resolution A/C.3/49/L.45 was adopted without a vote.

Draft resolution A/C.3/49/L.46

29. The CHAIRMAN informed the Committee that draft resolution A/C.3/49/L.46 entitled "Situation of human rights in Cuba" did not have programme budget implications and that the following countries had joined the list of sponsors: Albania, Czech Republic, Dominican Republic, Marshall Islands and the former Yugoslav Republic of Macedonia.

30. Ms. NEWELL (Secretary of the Committee) said that in paragraph 4, the word "uncontested" between the words "numerous" and "reports" should be deleted.

31. Mrs. ESPINOSA (Mexico) reaffirmed her conviction that political will to support broad and fruitful cooperation among States based on the principles of objectivity, non-selectivity and universality and bearing in mind the interdependent and indivisible nature of human rights, was the best way to ensure the effective promotion and protection of all human rights as reaffirmed by the Vienna Declaration and Programme of Action. In that regard, changes had occurred in Cuba where there was evidence of a fresh determination to improve and modernize existing institutional structures and processes. Since experience had demonstrated that such an approach yielded the best results, and since that was the best way of addressing the question of human rights in Cuba, her delegation would abstain in the vote on draft resolution A/C.3/49/L.46.

32. Mrs. SMOLCIC (Uruguay) said that she would vote in favour of draft resolution A/C.3/49/L.46 because she shared the concern of its sponsors about the situation of human rights in Cuba. However, the text should have reflected all aspects of the current situation including the conclusion of the United Nations High Commissioner for Human Rights that there was an encouraging change in the attitude of the Cuban authorities on the human rights issue. While she was gratified by the prospect of a political opening in Cuba, it was up to the Cuban authorities to decide how best to achieve a peaceful transition to democracy.

33. Mr. FERNANDEZ PALACIOS (Cuba) said that the draft resolution under consideration was part of the campaign of aggression being waged by the United States against Cuba for several years now. The United States was not in a position to lecture anyone, especially Cuba, on human rights since for 30 years it had been pursuing a policy of quasi-genocide and violation of human rights and had been enforcing a criminal blockade against the Cuban people designed to force it to surrender its sovereignty and independence. The United States had wiped out its own indigenous population, was carrying out an expansionist policy against its neighbours, supported the most repressive post-war regimes, had waged wars of annihilation against other peoples and had recently adopted racist laws which deprived the children of undocumented aliens living on its territory of health care and education. The United States was not motivated by a genuine commitment to human rights; it was driven by a desire for political reprisals. Cuba, which had done so much to champion human rights on its territory and elsewhere in a spirit of solidarity, should not be made to appear as the defendant in the case. It intended to pursue its policy of openness and change, as an assertion of its sovereignty and the will of the Cuban people. It would also continue to cooperate with all mechanisms for the protection of human rights established by the United Nations on the basis of the principles of universality, impartiality and non-selectivity. His delegation would continue to denounce, whenever it deemed it necessary to do so, all manoeuvres against Cuba disguised as resolutions and to reject the legitimacy of the mandate of the Special Rapporteur on the Human Rights Situation in Cuba. It would vote against draft resolution A/C.3/49/L.46.

34. At the request of Cuba, a recorded vote was taken on draft resolution A/C.3/49/L.46.

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: Angola, China, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Myanmar, Namibia, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guyana, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, Venezuela.

35. Draft resolution A/C.3/49/L.46 was adopted by 62 votes to 22, with 64 abstentions.

36. Mr. LINDGREN (Brazil) said that his delegation had abstained for the same reasons it had abstained in the past, namely, as it had repeatedly stressed, that when the General Assembly and its subsidiary bodies considered human rights questions, they should not be influenced by political bias. The promotion and protection of all human rights could best be served through broad cooperation between States and the United Nations human rights system. The recent visit of the United Nations High Commissioner for Human Rights had showed the usefulness of maintaining such cooperation between the United Nations and Cuba based on respect for human rights and all democratic principles. Brazil was prepared to cooperate in all efforts to that end.

37. Mr. PAPSHIKOV (Russian Federation) said that while he had voted in favour of draft resolution A/C.3/49/L.46, he noted that the successful visit of the United Nations High Commissioner for Human Rights augured well for the cooperation to be established between the United Nations human rights system and Cuba.

Draft resolution A/C.3/49/L.48

38. The CHAIRMAN informed the Committee that draft resolution A/C.3/49/L.48 entitled "Human rights in Haiti" had no programme budget implications and that Andorra, Australia, Ecuador, Georgia, Honduras, Israel, Portugal and the United Kingdom had joined in co-sponsoring the draft. He took it that, if there were no objections, the Committee wished to adopt the draft resolution without a vote.

39. It was so decided.

40. Draft resolution A/C.3/49/L.48 was adopted without a vote.

41. Mr. LONGCHAMP (Haiti) said he was pleased that the draft resolution relating to the human rights situation in his country had been adopted without a vote. Since the return of President Aristide on 15 October 1994, political arrangements had been made to ensure the protection and encouragement of the fundamental rights of every Haitian. However, given the situation in Haiti, President Aristide had to rely on the help of the international community. The Haitian delegation gratefully acknowledged the efforts made by the International Civilian Mission to Haiti.

Draft resolution A/C.3/49/L.52

42. The CHAIRMAN announced that draft resolution A/C.3/49/L.52 entitled "Situation of human rights in the Islamic Republic of Iran" had no programme budget implications and that Israel and Honduras had become co-sponsors.

43. Mr. SAHRAOUI (Algeria), speaking in explanation of vote before the voting, said with regard to the Salman Rushdie case mentioned in paragraph 5 of the draft resolution, that Algeria had expressed its feelings about the sacrilegious references, and the symbolic passages which tended to denigrate the basic tenets and sacred values of Islam and impugn the faith of millions of believers throughout the world. Freedom of expression and its corollary, freedom of artistic creation, should be exercised with respect for others and for different points of view and should not attack other fundamental human rights such as the freedom of belief and religion. That being the case, the Algerian delegation, which had fully associated itself with the universal condemnation of all forms of terrorist and subversive acts in General Assembly resolution 46/51, thought that such condemnation derived its legitimacy from respect for the sacred right to life, recognized equally by Islam and by international human rights instruments.

44. Mr. REZVANI (Islamic Republic of Iran) said that draft resolution A/C.3/49/L.52 was motivated by the same biased and non-objective attitude as the interim report of the Special Representative of the Human Rights Commission, but in addition, gave the impression that the situation had further deteriorated. Such exploitation of human rights for political ends could only damage genuine efforts to promote and protect human rights. The reference in paragraph 5 of the draft resolution to the Salman Rushdie case failed to take into account the repercussions that the blasphemy committed by the author had had upon the lives and the faith of millions of faithful Muslims, or of the opinion expressed by the Organization of the Islamic Conference, namely, that the right to freedom of thought, opinion and expression could in no case justify blasphemy. With regard to the Baha'i community, which, according to paragraphs 3 and 15 of the draft resolution, was the victim of religious persecution, while that community was not recognized by the Iranian Constitution as a religious minority, and therefore did not enjoy the rights accorded to those minorities, its members benefited from all the rights granted to every Iranian citizen under law, for example, by the Constitution, as well as those they enjoyed in practice. In contrast to the impression given by paragraphs 3 and 9 of the draft resolution, the Constitution guaranteed both the administration of justice and the right of defence. He refuted the allegations of massive and widespread discrimination

against Iranian women, explaining that the equality of women before the law, their right to work, equal pay and their active participation in political, social and cultural spheres in their country were guaranteed by the Constitution. In fact, Iranian women participated actively in the social and political life of the country and occupied high-ranking government positions. They were some of the most gifted students of medicine, science and technology. He noted the number of repetitions in the criticism directed against Iran especially with regard to the need to keep the human rights situation under observation, as well as the absence of new facts which made it necessary to refer to previous reports by the Special Representative. Contrary to the principle of impartiality the text took no account of the views and replies of the Islamic Republic of Iran (see A/49/514). He would vote against the draft resolution.

45. Ms. MOHAMED (Maldives) said that a draft resolution on such a matter should not name names.

46. A recorded vote was taken on draft resolution A/C.3/49/L.52.

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Fiji, Finland, France, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Oman, Pakistan, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam.

Abstaining: Albania, Angola, Bahrain, Benin, Bhutan, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Estonia, Ethiopia, Gabon, Georgia, Ghana, Guatemala, Guinea, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Mali, Mauritania, Mozambique, Namibia, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Saudi Arabia, Sierra Leone, Singapore, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zimbabwe.

47. Draft resolution A/C.3/49/L.52 was adopted by 68 votes to 23, with 56 abstentions.

Draft resolution A/C.3/49/L.53

48. The CHAIRMAN said that the draft resolution entitled "Situation of human rights in Iraq" had no programme budget implications. He announced that Argentina and Israel had become co-sponsors.

49. Mr. AL-DOURI (Iraq) said that, in common with a number of draft resolutions submitted since 1991, draft resolution A/C.3/49/L.53 had no bearing on the human rights situation in Iraq and was simply intended to tarnish the reputation of his country in order to justify the sanctions imposed by the Western countries. The draft resolution was based on the mendacious report submitted by the Special Representative, who had demonstrated on several occasions his bias and lack of objectivity. A flagrant example of his bad faith was the allegation that chemical weapons had been used against the inhabitants of the marshes in the south of Iraq. The team sent by the United Nations had proved that those accusations were unfounded. The report presented by the Special Representative differed in both substance and form from the reports concerning the human rights situation in other countries.

50. While many countries knew for a fact that the information given by the Special Rapporteur was either false or exaggerated, they were ready to listen to it and act upon it. Others, who were not in a position to verify the information submitted, accepted the Special Representative's conclusions, placing a confidence in him which he did not deserve. Several co-sponsors of the draft resolution had expressed doubts as to the content of the report, fearing that it might encourage chaos and terrorism in Iraq. Still others had recognized the Special Rapporteur's lack of objectivity.

51. The co-sponsors of the draft resolution were particularly interested in the matter of Kuwaitis reported missing. The Iraqi authorities were working closely with the International Committee of the Red Cross, the allies and the Kuwaiti authorities on that matter. Iraq had supplied information on more than 130 persons out of the 600 cases reported by Kuwait. The question of compensation to be paid to the families of persons reported missing had been considered at Geneva and did not concern the Third Committee. With regard to the irrigation and drainage projects in the marshy areas of the south of Iran, the Iraqi delegation would make available to members of the Committee a memorandum describing in detail the real situation on the ground. The memorandum pointed out that the development projects now in progress had been begun by Western, predominantly American, companies, and that Iraq was merely completing them.

52. The draft resolution also mentioned human rights violations in Kurdistan. The Iraqi delegation noted that that region was currently under allied control. The Iraqi Government therefore could not be held responsible for a region which it no longer controlled legally. Charges of oppression of the Shiites were unfounded and were the work of the enemies of Iraq and of mercenaries in the pay of terrorist organizations. Since Iraq had always practised religious tolerance, accusations of religious discrimination would only serve to encourage

terrorists and agents of neighbouring States who supported terrorism and were spreading destruction in the south of Iraq.

53. He stressed that it was the responsibility of every Government, including the Government of his country, to promote respect for human rights, taking into account its particular political, economic and social situation and its cultural values. However, when a country was unstable, human rights suffered. Therefore human rights monitors could only judge the actual situation, which reflected the catastrophic effect on the population of the economic sanctions being applied against Iraq.

54. Iraq had now recognized the sovereignty of Kuwait as well as the borders laid down by the Security Council. It therefore invited all those countries that had no interest in opposing Iraq to vote against a draft resolution which was serving political objectives, not the cause of human rights in Iraq.

55. Mr. AL-SAEID (Kuwait) said that he was taking the floor not to explain his vote after the voting, as he was a sponsor of the draft resolution, but to make a brief statement in reply to the statement made by the representative of Iraq.

56. Mr. AL-DOURI (Iraq) said that as a co-sponsor, Kuwait was not entitled to explain its vote after the voting.

57. The CHAIRMAN gave the floor to the representative of Kuwait solely to make a statement.

58. Mr. AL-SAEID (Kuwait) said that the question of Kuwaiti prisoners-of-war was purely humanitarian. The ICRC had compiled documentation on the subject and Iraq was bound by the terms of the relevant Security Council resolutions to provide information.

59. A recorded vote was taken on draft resolution A/C.3/49/L.53.

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey,

Ukraine, United Arab Emirates, United Kingdom of Great Britai and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Iraq, Libyan Arab Jamahiriya, Sudan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Jordan Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Philippines, Sierra Leone, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

60. Draft resolution A/C.3/49/L.53 was adopted by 105 votes to 3, with 45 abstentions.

61. Mr. HADID (Syrian Arab Republic), explaining his vote after the voting, said that as it had done the previous year, Syria had voted in favour of the draft resolution. It was regrettable, however, that the question of human rights in Iraq had been treated in a selective and non-objective manner. The draft resolution proposed the establishment of an institutionalized human right monitoring system, which constituted an interference in the internal affairs of a sovereign State, contrary to the terms of the United Nations Charter.

62. Mr. PARSHEKOV (Russian Federation), in explanation of vote after the voting, said that as it had done the previous year, the Russian Federation had voted in favour of the draft resolution because it was concerned about the situation of human rights in Iraq. It was regrettable, however, that the draft resolution had not taken into account the changes that had occurred in the political climate in Iraq, particularly the recognition by the Government of Iraq of its boundary with Kuwait as defined by the Security Council, and Iraq's cooperation with the International Committee of the Red Cross on the question o missing persons.

Draft resolution A/C.3/49/L.58

63. The CHAIRMAN said that the draft resolution entitled "Situation of human rights in Kosovo" had no programme budget implications. He announced that Afghanistan, Andorra, Canada, Djibouti, France, Jordan, Kyrgyzstan, Luxembourg, Maldives, Qatar, the United Arab Emirates and the United States of America had joined the list of sponsors.

64. Ms. NEWELL (Secretary of the Committee) read out the amendments which had been orally made during the presentation of the draft resolution. Subparagraph (c) of the fourth preambular paragraph, after the words "ethnic Albanians", should read "restrictions on their activities and maltreatment and imprisonment of their leaders,". In operative paragraph 3 (c), the word "the" before "inhabitants" should be replaced by "its". Paragraph 3 (d) should read:

"Reopen the cultural and scientific institutions of the ethnic Albanians;" the word "resume" in paragraph 3 (e), should be replaced by "pursue".

65. Mr. PARSHEKOV (Russian Federation), in explanation of vote before the voting, said that his delegation would vote against draft resolution A/C.3/49/L.58 because it dealt with the situation prevailing in a region which formed part of a sovereign State, namely, the Federal Republic of Yugoslavia. Considering that the situation of human rights throughout the territory of the former Yugoslavia was the subject of another draft resolution (A/C.3/49/L.42/Rev.1), the Russian Federation was convinced that the draft resolution dealing only with Kosovo was primarily motivated by political considerations.

66. Mr. SUTOYO (Indonesia), in explanation of his vote before the voting, said that his delegation would join in supporting the draft resolution, because Indonesia was concerned about the human rights situation in the region. However, his delegation wishing to express certain reservations concerning the draft resolution. It feared that, in future, the Third Committee might have to deal with a substantially greater number of cases if draft resolutions similar to draft resolution A/C.3/49/L.58 were submitted for its consideration.

67. A recorded vote was taken on draft resolution A/C.3/49/L.58.

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Germany, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: India, Russian Federation, United Republic of Tanzania.

Abstaining: Angola, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Ethiopia, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea, Jamaica, Kenya.

Malawi, Namibia, Nepal, Nigeria, Peru, Philippines, Republic of Moldova, Sierra Leone, Singapore, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, Venezuela, Zambia, Zimbabwe.

68. The draft resolution was adopted by 105 votes to 3, with 36 abstentions.

69. Ms. CHEN Wanqxia (China) said that her delegation's abstention in the vote on draft resolution A/C.3/49/L.58 would be explained at the plenary session of the General Assembly.

70. Mr. PSICHARIS (Greece), in explanation of vote after the voting, said that his delegation had voted against draft resolution A/C.3/49/L.58 even though it was deeply concerned about the deteriorating situation in the former Yugoslavia, including Kosovo, and was convinced as to the need to respect the fundamental rights of the Albanian minority. Certain key provisions of the draft resolution proved that its objective was not to stress the urgency of the human rights situation in Kosovo, but to prejudge an eventual political solution in the region. The parties concerned would reach an agreement only through negotiation in good faith. Greece was in favour of broad autonomy in Kosovo and hoped that such an agreement would be achieved quickly.

71. Ms. MURUGESAN (India), in explanation of vote after the voting, said that India attached great importance not only to the protection of and respect for human rights, but also to the principle of non-interference in the internal affairs of States. That was why India had opposed the adoption of a draft resolution addressed to part of the territory of a sovereign State. Such a practice was contrary to Article 2, paragraph 7, of the United Nations Charter. The question of human rights in Kosovo properly fell, in her delegation's opinion, within the purview of draft resolution A/C.3/49/L.42/Rev.1.

72. Mr. BARRETO (Peru), in explanation of vote after the voting, said that the reasons for his delegation's abstention in the vote on draft resolution A/C.3/49/L.58 were the same as those given by the representative of India.

73. Mr. BRAHA (Albania) thanked the sponsors of the draft resolution and the States Members that had voted in its favour.

74. Mr. PARSHFKOV (Russian Federation) said that it was contrary to the rules of procedure of the General Assembly for the co-sponsors of a draft resolution to take the floor to explain their vote before or after the voting on a draft resolution.

75. Mr. REZVANI (Islamic Republic of Iran), in exercise of the right of reply, strongly rejected the charges of terrorism levelled against Iran by Iraq. Iran had already alerted the Third Committee to its concern regarding the situation of the people living in the south of Iraq.

76. Mr. AL-DOURI (Iraq) said that it was not Iran's place to try to teach Iraq how the Iraqi people should be governed. His delegation was ready to provide the delegation of the Islamic Republic of Iran with a list of terrorist organizations based in Iran.

77. Mr. REZVANI (Islamic Republic of Iran) said that his delegation would provide the delegation of Iraq with an appropriate reply at a later stage.

The meeting rose at 5.40 p.m.